

Subchapter B : Grants

§286.31. Purpose.

(a) The purpose of the On-site Wastewater Treatment Research Council competitive grants is to enhance the development of on-site treatment systems which will improve the quality of and/or reduce the cost of on-site wastewater treatment.

(b) On-site wastewater treatment is a system of treatment devices or disposal facilities that is used for the disposal of domestic sewage, excluding liquid waste resulting from the processes used in industrial and commercial establishments, and is located on the site where the sewage is produced, and produces not more than 5,000 gallons of waste a day.

(c) Grant applications received in response to council solicitation will have highest priority.

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Effective July 17, 1995

§286.32. Council Objectives.

The objectives of the council in considering projects are:

(1) To determine the regional suitability and effectiveness of on-site wastewater treatment alternatives; and

(2) To demonstrate and evaluate appropriate on-site wastewater treatment technology in the various geographic and climatic areas of Texas.

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§286.33. Funding.

Based upon legislative appropriations and after the comptroller certifies that the council account contains enough money to award project grants, the council may award funding.

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§286.34. Indemnification.

A grantee shall be required to execute an indemnification and hold harmless agreement in favor of the council and the state. Neither the council nor the state shall in any way be liable for any damage, infringement, cause of action or any other action as a result of a grantee receiving a grant.

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§286.51. Applied Research Grants.

(a) Eligibility for Applied Research Grants. The following are the criteria which identify an applicant's eligibility for an applied research grant:

(1) The applicant must show that the specific application of the proposed research is for the improvement of the quality of wastewater treatment and/or reducing the cost of providing wastewater treatment to consumers.

(2) The research project must be conducted in Texas.

(3) Corporations organized under the Texas Business Corporations Act must not be delinquent in taxes owed the state under the Texas Tax Code, Chapter 171.

(b) Information Required for Applied Research Grants. The following information must be submitted in writing for each applied research grant proposal:

(1) if the proposal is in response to the council's solicitation or request, the applicant shall include the proposal title and the method of improving the quality of wastewater treatment and/or reducing the cost of providing wastewater treatment to consumers; or

(2) if the proposal is submitted on an unsolicited basis and does not address a specific identified project, the applicant shall include the method of improving the quality of wastewater treatment and/or reducing the cost of providing wastewater treatment to consumers;

(3) for applicants who are affiliated with an accredited college or university in Texas, a verified statement from the college or university's president, or dean of the appropriate program, describing the affiliation in detail;

(4) a discussion of how the applicant intends to fulfill the requirements of the proposal, including an identification of the potentials for, or plans to incorporate and use, proprietary information;

(5) resumes of principals, potential subcontractors, and principal investigators (including names, addresses and phone numbers), and a summary of pertinent experience of each entity;

(6) site(s) of proposed project;

(7) a list of tasks and a time schedule for tasks to be completed by principals and subcontractors;

(8) recommendations for implementing research results, including identification, and involvement of potential users;

(9) the total project cost, the amount(s) and source(s) of the local matching funds and services, and the total amount requested from the council;

(10) a detailed project budget and timetable, and a detailed task budget for all aspects of the project;

(11) all information required to satisfy the criteria for eligibility as set out in this section;

(12) all information necessary to evaluate the application under the selection criteria as set out in this section;

(13) a list of reports, plans, products and other deliverables the applicant will provide to the council;

(14) information of other sources of funding, matching funds and like-kind funding or matching grants, if applicable;

(15) suggested progress monitoring procedures;

(16) any other pertinent data as deemed necessary by the council; and

(17) evidence that the applicant is insured or can become insured for the tasks undertaken as a result of receiving a grant.

(c) Criteria for Selection of Applied Research Grants. The council will review the grant proposals. Grants may be awarded based upon the following criteria:

(1) the availability of matching funds and other sources of funding for the proposal;

(2) the urgency of need for the research;

(3) the degree to which the proposal is responsive to the overall council objectives listed in these rules;

(4) the qualifications of project staff and directly-related project and staff experience;

(5) the reasonableness of the proposed budget and time schedules;

(6) project organization and management, including project monitoring procedures;

(7) statewide or regional application of research results;

(8) technical, economic and environmental merit of the proposal;

(9) relevance to and probability that the research will result in the improvement of the quality of wastewater treatment and reducing the cost of providing wastewater treatment to consumers; and

(10) any other information as may be required for the specific project.

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§286.52. Demonstration and Monitoring Grants.

(a) The following are the criteria which identify an applicant's eligibility for a demonstration and monitoring grant:

(1) An applicant must be able to provide the following services:

(A) a proper area for outdoor research and demonstration;

(B) a proper area for controlled research and demonstration;

(C) basic laboratory facilities;

(D) testing and calibration equipment;

(E) untreated domestic sewage for demonstrations;

(F) a permitted area for land disposal application or a license specifically for alternative/special applications;

(G) adequate assistance personnel; and

(H) other facilities for instruction and seminars.

(2) An applicant must show that all calibration, testing, and demonstration will be conducted so that groundwater and surface water is protected and the health and welfare of the public will be protected.

(3) The applicant must conduct the testing and calibration in Texas.

(4) Corporations organized under the Texas Business Corporations Act must not be delinquent in taxes owed the state under the Texas Tax Code, Chapter 171.

(b) Information Required for Demonstration and Monitoring Grants. The following information must be submitted in writing for each demonstration and monitoring grant:

- (1) a discussion of how the applicant intends to fulfill the requirements of the proposal;
- (2) resumes of principals, potential subcontractors, and principal investigators (including names, addresses and telephone numbers), and a summary of pertinent experience of each entity;
- (3) site(s) of proposed project;
- (4) a detailed description of the facilities to be provided including land area, laboratories, classroom space, auditoriums, and other applicable facilities proposed;
- (5) a description of how the applicant intends to provide the raw, untreated sewage to the units being tested, the amount of flow available to the units, and emergency plans for failed units;
- (6) a description of how the applicant intends to protect groundwater and surface water, as well as the protection of public health and welfare during demonstration;
- (7) a detailed description of the testing equipment to be provided, including any equipment to be purchased through the awarding of the grant;
- (8) an explanation of the proposed calibration and testing techniques;
- (9) the total project cost, the amount(s) and source(s) of the local matching funds and services, and the total amount requested from the council;
- (10) a detailed project budget;
- (11) a commitment date for work to begin and a progress time schedule;
- (12) the designation of a contact person for additional information;
- (13) all information required to satisfy the criteria for eligibility as specified in this section;
- (14) any other information as deemed necessary by the council; and
- (15) evidence that the applicant is insured or can become insured for the tasks undertaken as a result of receiving a grant.

(c) Criteria for Selection for Demonstration and Monitoring Grants. The council will review the grant proposals and one grant per designated period may be awarded based upon the following criteria:

- (1) the availability of matching funds and other sources of funding for the proposal;
- (2) the degree to which the proposal is responsive to the overall objectives listed in this section;
- (3) the qualifications of project staff and directly-related project and staff experience;
- (4) the reasonableness of the proposed budget and time schedules;
- (5) project organization and management, including project monitoring procedures;
- (6) technical and environmental merit of the proposal;
- (7) the method of assuring the protection of groundwater, surface water, as well as the protection of public health and welfare; and
- (8) any other information as may be required for the specific project.

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§286.53. Technology Transfer Grants.

(a) The following are the criteria which identify an applicant's eligibility for a technology transfer grant:

(1) an applicant must be able to provide the technology transfer within the State of Texas.

(2) corporations organized under the Texas Business Corporations Act must not be delinquent in taxes owed the state under the Texas Tax Code, Chapter 171.

(b) Information Required for Technology Transfer Grants. The following information must be submitted in writing for each technology transfer grant proposal:

(1) if the proposal is in response to the council's solicitation or request, the specific proposal title shall be included in the proposals; or

(2) if the proposal is submitted on an unsolicited basis and does not address a specific identified project, identification of the general category or technology transfer (subsection(a)(2) of this section) shall be included;

(3) a technology transfer must be from one or more of the following categories:

(A) educational courses;

- (B) seminars;
- (C) symposia;
- (D) publications (by printed word or video tape); or
- (E) other forms of information dissemination, including demonstrations.

(4) a discussion of how the applicant intends to fulfill the requirements of the proposal, including distribution of materials at the end of the grant period;

(5) resumes of principals, potential subcontractors and principal investigators (including names, addresses and phone numbers), and a summary of pertinent experience of each entity;

(6) a list of the types of information dissemination proposed with the estimated budget and timetable for each type;

(7) information of other sources of funding, matching funds and like-kind funds or matching grants, if possible;

(8) all information required to satisfy the criteria for eligibility as specified in this section;

(9) any other pertinent data as deemed necessary by the council; and

(10) evidence that the applicant is insured or can become insured for the tasks undertaken as a result of receiving a grant.

(c) Criteria for Selection for Technology Transfer Grants. The council will review the grant proposals. Grants may be awarded based upon the following criteria:

- (1) the availability of matching funds and other sources of funding for the proposal;
- (2) the degree to which the proposal is responsive to the overall objectives listed in this section;
- (3) the qualifications of project staff and directly-related project and staff experience;
- (4) the quality of examples submitted to the council, if any;
- (5) the reasonableness of the proposed budget and time schedules;
- (6) project organization and management, including project monitoring procedures;

(7) technical, economic, and environmental merit of the proposal; and

(8) any other information as may be required for the specific project.

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§286.74. Mailing Address.

All grant proposals must be filed in writing with 20 copies attached to the Executive Secretary, On-site Wastewater Treatment Research Council, in care of the Flood Management & Groundwater Programs Section, Texas Natural Resource Conservation Commission, Attention: P. O. Box 13087, Austin, Texas 78711.

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§286.91. Receipt of Proposals.

(a) Upon receipt of a proposal, the executive secretary shall send each council member a copy of the grant proposal and coordinate commission review of the application for eligibility requirements.

(b) The executive secretary will acknowledge receipt of a proposal to the applicant, with notification of the date of the first quarterly meeting at which the proposal will be discussed by the council.

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§286.92. Council Review.

(a) The council shall affirm or deny eligibility as soon as practicable. The council will only consider those grant proposals that are eligible under these rules.

(b) Once a grant proposal is determined to be eligible for consideration, it may be submitted to a technical review committee who will make recommendations based on applicable statutory requirements, council objectives, rules, guidelines, fiscal constraints, and administrative policies.

(c) The council members shall have no less than 14 calendar days to review the proposal prior to the next scheduled meeting.

(d) The council may decide to award the grant, award the grant with modifications, or to reject the grant proposal. All grant award decisions by the council are final.

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§286.93. Discussion of Proposals.

(a) Each eligible proposal which will be discussed at the first quarterly meeting following the submission of the grant application and shall be listed as an agenda item as the agenda is posted by the Secretary of State. Proposals submitted within 21 days of a council quarterly meeting may not be considered at that meeting.

(b) The council may elect to refer the application to a committee for review of technical merits. The chairman may request commission assistance with the technical review.

(c) For proposals deemed meritorious by the council, the applicant shall be given a designated time at the next meeting for an oral presentation of the proposal.

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§286.94. Status of Proposals.

The executive secretary shall report to the council at each meeting the status of all grant proposals.

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§286.95. Decision Making.

The council will evaluate and discuss each eligible proposal and will decide to award, deny, or table a grant based upon the funding available and the selection criteria. All council decisions are final.

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§286.96. Awards.

(a) All applicants awarded a grant will be notified of the award in writing by the executive secretary.

(b) All grantees will be required to contract with the council.

(c) Grantees/applicants shall comply with all applicable state and federal statutes, rules, regulations and guidelines, including the Uniform Grant and Contract Management Act, and with the terms and conditions of the contract.

(d) The council shall not be liable for any expenses incurred by an applicant prior to award of the grant.

(e) All grant awards are subject to continuation of state appropriations.

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§286.97. Denials.

(a) All applicants denied an award will be notified of the denial and the reason(s) therefor in writing by the executive secretary.

(b) Any applicants denied funding will have the right to request one reconsideration of the project by the council. The request shall be made in writing and shall be reviewed at the next quarterly meeting.

(c) The council shall not be liable for any expense incurred by an applicant if funding for the grant application is denied.

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§286.98. Tabling Decision.

The council may table a decision on a proposal in order to gather more information or to await confirmation from the state comptroller of the availability of funds. Any project so tabled shall be given priority for discussion at the next scheduled meeting of the council.

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Repeal of §§286.31-286.34, 286.51-286.53, 286.71-286.74, 286.91-286.94, 286.111-286.114, 286.141
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